POPULAR PREJUDICES

Againſt the

CONVENTION

AND

Treaty with *SPAIN*,

Examin'd and Anſwer'd.

WITH

REMARKS

On a PAMPHLET; Entitled,

CONSIDERATIONS *upon the Preſent State of our Affairs at Home and Abroad.*

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PREJUDICES

Againſt the CONVENTION and

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PUblick Grievances and Differences between Nation and Nation are to be removed by a War or Treaty, and War is never to be tried till Treaties prove ineffectual. Is not a Treaty preferable to a War; more ſafe, leſs expenſive, and (as I believe) more certain? No Man can foreſee, much leſs enſure the Events and Iſſue of a War: The Terms of Treating may be fixed, and you may ceaſe to treat when you will. But as you are Maſters of the Treaty, at leaſt to continue it or to drop it; a War will probably be your Maſter, at leaſt as to its Duration, and when you are once engaged, God only knows when or how you will get out. If you fight firſt, you muſt treat at laſt, or fight on till you conquer or are conquered.

But, are ſuch Inſults upon *Engliſhmen* to be borne? No, they are to be redreſſed by all Means that can be uſed. But will you go to War for Reparation, when you may have it without War? Or is Reparation ſweeter, after Millions of Money waſted, and many thouſand Lives loſt, than when had with little Expence, and no Danger? Loſſes at Sea may be made good by thoſe who cauſed them; but Reimburſements for the mighty Charges of a War, are never to be expected. It rarely happens that ſuch private Loſſes are ever made good, eſpecially where there are many Doubts and Perplexities about them, and when Loſſes and Claims are urged on the other Side: And 'tis better Particulars ſhould ſuffer, than a War be undertaken that may probably endanger, certainly embarraſs and impoveriſh the Publick; when Retribution can be procured for ſuch private Loſſes, and a Stop put to them for the Time to come.

I doubt ſuch who condemn our Proceedings by Treaty, would as loudly condemn every Step in the Conduct of the War, and find more frequent Means of annoying, obſtructing and expoſing thoſe who conducted it. We have had Proofs of their Candour and good Will towards the Adminiſtration; and they are daily giving more ſuch Proofs. The Compenſation obtained from *Spain*, a Compenſation ſeldom obtained from any Nation, is deſpiſed and ridiculed, and the great popular Weight and Cry is thrown on Points not yet ſettled.—— Suppoſe ſuch Points had been firſt ſettled, and the Compenſation for Loſſes referred to future Negociations, the Cry then would have been at leaſt equally loud "for "Compenſation firſt, as the moſt ſolid, the moſt "ſa-

" ſatisfying Point of all.—— All the reſt would " be called airy Articles, Words and Engage- " ments of Courſe, ſuch as had been broken al- " ready, and might be ſo again; but a good " Sum of Money was ſomething real and ſure; " it was a Bird in Hand, an Advantage not li- " able to be diſtinguiſhed away by Subtleties and " Chicanery."

Such a Sum of Money lodged, is a Pledge that thoſe who gave it are in earneſt, and it is a Tye upon them to be in earneſt; 'tis a Sign of Sincerity on one Side, as 'tis of Addreſs in the other who procured it.

The Jeſts made by witty Men upon our pacifick Fleets, however ſharply meant, return much more ſharply upon the Makers, when the ſame End is gained by *their appearing* as could be obtained by *their engaging*, and ſooner and ſo much eaſier obtained; ſince, as I ſaid, who can controul or foretell the Fortune or Event of a War, a War which will coſt Millions without recovering Thouſands, even ſuppoſing it ſucceſsful? The Moment ſuch War begins, the Treaty, which perhaps was the Purpoſe of it, is ſet at a Diſtance utterly uncertain, and the Fruits of it perhaps defeated for ever.

I am here reaſoning upon a Suppoſition that all Parties amongſt us love and ſeek only the publick Good, and not any particular or perſonal Gratifications of their own. It would be a wicked Thing in any Man (indeed a melancholy Thing to all Men) to praiſe and condemn publick Meaſures, not for being bad or good, but merely for being eſpouſed or oppoſed by this Man or t'other. This is a terrible Spirit, and has as bad a Tendency; for then the Contention is not

not for ſaving or ſerving the Publick, but for being Maſters of the Publick, by oppoſing, or cruſhing, or advancing particular Perſons.

This is the true Spirit of Party, ſo conſtantly deſtructive to the whole, ſome ſtruggling to undo others, theſe ſtruggling not to be undone, and no Man daring to take any Step, at leaſt the beſt Steps towards promoting the general Intereſt, when he is ſure ſuch Steps will be decried with Bitterneſs and Rage, the mad Multitude inflamed againſt them, and the Author of them repreſented as a Traitor and a Devil fit to be purſued to Deſtruction.

But I leave this melancholy Scene (for ſuch it really is to me) to conſider the Way of Treaty in National Differences, where the Way of Treaty ſucceeds, as better upon all Accounts than the Way of ſudden Quarelling and Revenge, when this latter Way can do no more, nor ſo well, nor ſo ſoon. We have been told much of our Heroick Exploits formerly, particularly of *Cromwell*'s bold Strokes, upon National Provocations; nor do I detract any thing from the Merit of ſuch gallant Exploits, nor from the Memory or Merit of *Cromwell*, who was doubtleſs a Man of great Spirit and Diſcernment, and had his Character greatly heighten'd by thoſe who went before and came after him. But the Example of *Oliver* is brought to very little Purpoſe in Caſes which cannot, which ought not, to be imitated. He had the abſolute Power of theſe three Kingdoms, by Sea and Land, in his own Hands, and he exerciſed it abſolutely as well as ſternly, but rather for himſelf than for the Publick, both at Home and Abroad, when, to ſupport himſelf in his Uſurpation, he made prepoſterous Wars and

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weaken'd *Spain*, already too weak, by joining with *France* already too ſtrong. — This he did with his Eyes open, and ſacrificed the Intereſt of his Country, in that Inſtance too, to his own; pernicious Policy, by no means ballanced by the Glory which he procured to the *Engliſh* Name and Valour over the World! He ſucceeded ſtrangely (ſupported by the *Engliſh* Name and Power) in braving other Nations, as well as in enſlaving this.— But had ſuch imperious Dealings failed him, and had he, upon a Repulſe, engaged in a War with all the neighbouring Nations whom he thus braved, would he not have acted more like a Madman than a Politician or a Prince, utterly exhauſted the publick Strength, and probably ruined his own Affairs as well as the Publick? The late King of *Sweden*, one of the greateſt Heroes (in the too uſual Senſe of that Word) that ever human Nature produced, made the Name of *Sweden* dreadful over the Earth; but, for his own and the *Swediſh* Glory, he ruined and unpeopled *Sweden*.

It would ſeem to me, that as he is the beſt General, who ends a War by Addreſs only and without Fighting; ſo he is the beſt Politician, who prevents a War by an honourable Treaty. It had been better for the *Greeks*, as well as the *Trojans*, if they had treated ten Years, rather than have fought one, eſpecially upon a Point of Honour perſonal to one Man.

The Example of Queen *Elizabeth*, and the Atchievements of her Admirals, though very noble and worthy of immortal Renown, and ſo often quoted, ſignify little to the preſent Occaſion: The Circumſtances of Times differ. The Friendſhip of *Spain*, at firſt zealouſly ſought by

that celebrated Princeſs, was contemptuouſly denied her; that Kingdom, then ſo much more powerful than now, and but juſt before the Confederate of *England*, was become her mortal Enemy, and conſtantly laying Schemes to ſurprize, invade, and deſtroy her. In ſending forth her Fleets, ſhe chiefly did but guard her Coaſts and Kingdom againſt the invading Fleets of *Spain*, often landing Men in *Ireland*, threatning *England*, and reſtleſs in their Attempts to diſturb and dethrone her. Nor probably would all her Vigilance, and Captains, and Ships of War, have ſaved her from utter Conqueſt and Deſtruction, had not the Providence of God, by many and various Interpoſitions, eſpecially by Storms and Tempeſts, ſuch as diſſipated and diſperſed and deſtroyed the famous *Spaniſh* Armada, eſtabliſhed her Throne in Security.

It is far otherwiſe now; *Spain* has no ſuch Fleets to be attacked, when ſhe her ſelf is attacked, and no longer terrifies *England* with her Armadas and Invaſions. She can no more face or hurt us at Sea, than we can force her in her Ports and Garriſons at Land.

Queen *Elizabeth* had another Door conſtantly open for diſtreſſing and weakning *Spain*, I mean that of the *Netherlands*, where ſhe conſtantly and wiſely ſupplied that brave, oppreſſed and deſperate People to do ſo for almoſt half a Century. This proved a ſure and ſucceſsful Way of weakning and humbling that proud Monarchy, ſuch a Way as is now loſt; nor doth *Spain* now aim, as then, at univerſal Empire and Conqueſt. — Her mighty and formidable Armaments are now ſunk into a few Guarda Coſtas, miſchievous indeed to unarmed trading Ships, but ſhrinking

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and hiding themſelves at the Sight of our Ships of War. What therefore chiefly protects *Spain* is her low Condition and Weakneſs. — She furniſhes nothing to lay hold of, and we can make no ſuitable Reprizals. She hath indeed periodical Plate-Fleets coming from *America*, but the Ocean is ſo vaſt, and her *American* Dominions ſo wide, that the ſending *Engliſh* Squadrons (ſo chargeably ſet on Foot) in Queſt of ſuch Fleets, is like purſuing the *Arabs* in the Deſert, ſcarce ever to be overtaken. Beſides, I believe, 'tis generally well underſtood by all but the Mob, that in ſeizing the *Spaniſh* Plate-Fleet, we ſhould ſeize more of the Property of other Nations than that of *Spain*, and perhaps hurt ourſelves very ſenſibly.

I ſhall now ſhew the Inſufficiency of ſome Arguments which I find urged in the *Conſiderations*, &c.

This Author advances Propoſitions in Contradiction to his Argument and Deſign, he ſays, "that the Trade to our own Plantations is engroſſed by ourſelves: Other Nations are excluded — And we carry it on under ſuch Regulations as are moſt for our own Advantage: In conſequence of which 'tis the Nurſery of our Seamen, the Support of our Navigation, and Life of our Manufactures." He hath not convinced us why the *Spaniards* ſhould not engroſs to themſelves the Trade of their own Colonies, why they ſhould not regulate their own Trade and Navigation to their own beſt Advantage.

Beſides I wiſh he could prove in Fact that we thus engroſs the Trade to our own Colonies — I wiſh it could be proved in Fact. If I be not

 miſtaken,

miſtaken, the Contrary hath been proved before the Lords of Trade, if not before the Houſe of Commons; and that the *Dutch*, by the Means of the Iſland of *St. Euſtathia*, lying in the Neighbourhood of our Leeward Iſlands, ſupply theſe Iſlands both with *Negroes* and *European* Goods, and ſo drain them of moſt of their ready Money, and load home their Ships with the Sugar and other Productions of thoſe Iſlands; and that our *Northern* Colonies, trading to the *French* Iſlands, are ſupplied there with *French* Manufactures, Linnen and Silks particularly. I doubt, even this Author, ſo very able to correct the Adminiſtration and adviſe the State, would find it as difficult to reſtrain this illicite Practice, as the *Spaniards* do to ſecure their own from the *Engliſh*, *Dutch* and *French*.

In aſſerting our Plantation Trade, amongſt its other Advantages, to be the Nurſery of our Seamen, he ſhews leſs Information than one who teaches the Publick, ſhould be furniſhed withal. A ſmall Acquaintance with this Trade would have ſatisfied him, that, of all the Trades we have, it is the greateſt Drain of our Seamen. Not one Ship in a thouſand, be it Man of War or Merchant Ship, brings home near the Number of Hands that ſhe carries out. I do not mean ſuch Sailors as dye in our Plantations, but ſuch as, leaving our Ships, ſettle there: According to the beſt Obſervation I could make, at leaſt one Seaman in ten ſtays there.

When this Gentleman inſtructs us next upon theſe Subjects, let him tell us that our Coal Trade is the Nurſery of our Seamen, a Nurſery far greater and better than that of any Nation upon the Face of the Globe.

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The Gentleman advances another Fact not eaſily credited, and, I believe, not to be proved, that the *Spaniards* have ſeized and condemned *Britiſh* Ships outward bound, above an hundred Leagues from any Shore, without any Pretence at all. I know ſeveral Perſons thoroughly informed in theſe Affairs, who poſitively deny any ſuch Seizure, and any Condemnation in Conſequence of it. I wiſh the Gentleman could produce ſome Inſtances, or indeed any Inſtance, ſince he ſpeaks in the plural Number and ſo poſitively.

Speaking of Logwood, Cocoa Nuts and Pieces of Eight, he aſſerts that the two laſt are produced by our own Colonies. There is indeed ſome Cocoa growing in our Colonies, but very different from *Spaniſh* Cocoas, as different as *Spaniſh* Wooll is from *Engliſh* Wooll. Inſomuch that, though we import a conſiderable Quantity of Cocoa yearly, in all that Quantity there is not an Ounce in a Pound produced by our own Colonies. As to Logwood, I deſire him to give an Inſtance of a ſingle Tun, imported to us from the Growth of our own Plantations.

He is very unwary in expoſing the Conduct of our *South* Sea Company's Agents, in paying for *Negroes* with Pieces of Eight. If there be any ſuch Practice, it was not well to mention it, becauſe it is directly againſt the 26*th* Article of the Aſſiento Contract. By that Article, " they are to " return to *Great Britain* or *Spain* with the Pro- " duce of the Sale of *Negroes*, and under an " Obligation, that if the Returns come into the " Ports of *Spain*, the Captains and Comman- " ders ſhall give to his *Catholick* Majeſty's Mi- " niſters an authentick Regiſter, by which it " may appear what they have on board; and if

" they come back to *Great Britain*, they ſhall " ſend over an exact Account of their Lading, " that his ſaid Majeſty may be fully informed " thereof;" with this further Reſtriction, " that " they may not bring over in any of the ſaid " Ships any Silver, Gold, or other Effects, than " what ſhall be the Produce of the Sale of the " *Negroes.*"

Now, I believe, it will be no eaſy matter to produce one Inſtance of ſending Pieces of Eight either from *Spain* or *Great Britain* to *Jamaica*. And if ſuch Inſtance cannot be produced, what is become of the Gentleman's Inference, that we might with full as good Reaſon ſtop the Ships of *Spain* in their Paſſage by *Jamaica*, or our other Plantations, and confiſcate them formally upon finding in them either Logwood, Cocoa Nuts, or Pieces of Eight?

The Zeal of an *Engliſh* Man for the Honour and Intereſt of *England*, is always laudable; 'tis pardonable even where 'tis weakly directed. Upon this Principle I can forgive all the Sallies of his Reſentment againſt the *Spaniſh* Method of trying Cauſes and Complaints, that the ſame ſhould be ſubjected to their own Tribunals, and determined by their Courts. I wiſh with all my Heart they would ſubmit all their Complaints againſt *Engliſhmen* to the Deciſion of an *Engliſh* Jury in *Weſtminſter Hall*. I ſhould be glad, the while, to learn from this Gentleman, where he would have them tried? Do the *Engliſh* go to *France* or *Spain*, to try *Frenchmen* or *Spaniards* accuſed of violating the Stipulations of Trade? Yet he calls ſuch Trial by the *Spaniards*, a Mockery of Juſtice.—What thinks he of our Trying the *Spaniards?* Unleſs he will therefore not allow

low it to be a Mockery of Juſtice, becauſe we do not ſo much as aſſign them an *Engliſh* Advocate, as they do a *Spaniſh* one in trying the *Engliſh*.

Allow, what he avers, that all theſe Species of Goods, upon which Sentence is paſt by our impartial Judgment, were undeniable Proofs of an illicite Trade; the Inference is, that then they were fairly and righteouſly condemned. It is no more than what is agreeable to our own Laws about Trade, ſuch as are juſtly exerciſed upon the Ships of any Nation trading to our Colonies or Dominions in *America*.

To his Query, "Upon what Ground of the "Law of Nations, or by what Article of any "Treaty, have the *Spaniards* a Right to ſtop "or ſearch our Ships at all?" I anſwer, they do it upon the very Grounds of the Law of Nations, upon the ſame Grounds that we do ſo, and agreeably to the Practice of all Nations, who all thus act in behalf of themſelves, and againſt all others who violate ſuch Laws. How elſe can we diſtinguiſh a Pyrate or Smuggler from a lawful Trader? It is not indeed every Ship, or every private Man of any Nation, that is qualified to ſearch ſuſpected Ships or ſuſpected Perſons: But I believe it was never asked before whether any Nation, even the moſt mean and contemptible Nation, had a Right to empower its Subjects to ſearch and examine all Men whom they apprehended to be invading their Rights, or carrying on a Commerce not only contrary to their Laws, but even pernicious to their Being as a Nation.

Are not we of this Nation at great annual Expence to guard our own Coaſts againſt illicite

illicite Traders? Are not our Men of War and Cuſtom-houſe Sloops employed for this very Purpoſe? Do they not ſtop and examine and ſearch all Ships and Veſſels that they ſuſpect, be they of what Country or Climate whatſoever? And would we not, ſhould we not, eſteem it extreme Aſſurance and Abſurdity in any State to diſpute this our Right, a Right poſſeſſed and exerciſed by every Nation, through the Right of Nations? I could wiſh, for the Honour of our Nation, that they had always been more moderate in the Exerciſe of ſuch Right than other Nations have been, or equally moderate with ſome other Nations.

It is not many Years ſince an *Engliſh* Man of War ſtopt and ſearched a Ship belonging to a neighbouring Nation, but not finding ſufficient Cauſe or rather any Law for ſeizing, as forfeited, a Veſſel which they only ſuſpected of ſmugling on our Coaſt, they endeavoured to extort from the Crew a Confeſſion that they were purſuing an illicite Trade, by the Force of Torture, and ſo tied burning Matches between their Fingers. For this Cruelty the Authors were, by Orders from the Government, ſubjected to a Trial before a Court Martial and condemned. Complaints and Repreſentations were indeed made to our Miniſtry, by the powerful Nation thus injured and provoked; but their Reſentment never went ſo far as to call in Queſtion our Right of Searching — They were ſatisfied that we condemned ſuch an inhumane Treatment, and delivered up the Guilty to the Law. Were *England* anſwerable, as a Nation, for all the Inſults and Provocations given to her Neighbours by particular *Engliſhmen*, publick Wars would be as laſting

ting and frequent as the Acts of Injuſtice committed by her Subjects; and we ſhould be in an endleſs State of War with as many Nations as we have any Traffick or Tranſactions withal.

Would it not have been unjuſt in the *Spaniards* in the Years 1716 and 1717, to have charged the *Britiſh* Nation or Government with all the Robberies and Piracies committed by *Engliſhmen*, under the Pretence of Commiſſions, upon the *Spaniards*? In one of thoſe Years, his late Majeſty's Patent was obtained for diving or fiſhing upon Wrecks in General, within due and lawful Bounds: In Conſequence of which Patent, a Ship called the *Pompey* Galley, afterwards the *Fortune*, commanded by Captain *Cuthbert*, and a Brigantine commanded by Captain *Archer*, (as I remember) were fitted out of the *Thames* for diving and fiſhing upon Wrecks. Theſe two Veſſels, which carried upwards of Two hundred Men, proceeded directly for the Coaſt of *Florida*, (a prohibited Station) where the *Spaniſh* Galleons had been wreckt ſome Months before. When they arrived there, they found that they had been anticipated by Veſſels fitted out of *Jamaica*, and ſome other of our Colonies, with Commiſſions from the reſpective Governours. Thoſe People were not contented to dive and fiſh upon the Wrecks, which Action alone would have been eſteemed an unjuſt Uſurpation and Encroachment, as they were *Spaniſh* Wrecks, and on a *Spaniſh* Coaſt; but they firſt drove away the *Spaniards* from diving and fiſhing on their own Wrecks; and, being acquainted that the *Spaniards* had erected Tents on Shore, where they had placed ſome of the Treaſure that they had ſaved out of the Wrecks, before they were beat

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off by the *Engliſh*, theſe very *Engliſh*, being in all about Six hundred Men, landed and attacked the Tents, which were guarded by a Commiſſary and about One hundred and twenty Men, a Guard ſufficient to protect their Treaſure againſt the *Indians*, whom we call Savages, but very unequal to the Power that aſſaulted them. So that, after a very ſhort Reſiſtance, in which about thirty *Spaniards* were knocked on the Head, the reſt of the *Spaniards* fled, and left the Treaſure to the *Engliſh*, which, as they themſelves boaſted, amounted to four hundred thouſand Pieces of Eight. This they divided amongſt them, and ſaid, it amounted to about one hundred Pounds *Sterling* to each Foremaſt Man, including ſome ſmall ſhare that they had fiſhed out of the Wrecks themſelves. Was it right to wage War, or make Reprizals upon *Spain*, in Defence of ſuch Robbery and Invaſion?

This Expedition, as it may be called, was conducted principally by Captain *Jennings* of *Jamaica*, who was called their Commodore. *Jennings* did not ſtop here, but, in his Return to *Jamaica*, ſeized two *Spaniſh* Ships out of which he took Cocoa, Cochineal and above thirty thouſand Pieces of Eight more, with whatever they had that he valued. After plundering theſe Ships and turning them adrift, he purſued his Voyage to *Jamaica*, where he was received with Joy and a Sort of Triumph. No body ever diſturbed him, though every Body knew of his Exploits. His Crew revelled and carouſed and ſquandered like true Bucanneers after ſharing a rich Booty.

Encouraged with his Succeſs, or being given to underſtand that it would be for his Safety to haſten

haſten out of the Iſland; he refitted his Brigantine in a warlike Manner as before, and put to Sea again in queſt of more Booty. Some Time after, a Proclamation was iſſued in his Majeſty's Name, proclaiming him and ſome of his Aſſociates and Confederates, Pyrates. This was publick Juſtice, inſtead of protecting or excuſing ſuch Robbers, to give them up to capital Puniſhment, but exceedingly provok'd him and his Confederates, who thought they had a Right to prey on the *Spaniards*, merely becauſe they gained by it.

It would be endleſs to enumerate the Acts of Cruelty exerciſed upon that People. I could give an Inſtance at large of an *Engliſh* Commander, who having perfidiouſly, under Pretence of Commerce, invited two *Spaniſh* Gentlemen on board, firſt kept them ſtarving two Days to extort a Ranſom, and, that failing, cut off the Ears and Noſe of one of them, and with a Cutlaſs at his Throat, forced him to eat them. Here was a Precedent and Provocation for the Exerciſe of the like Cruelty and *Maiming* by the *Spaniards*, who yet hardly ever practiſed it with the like Circumſtances of Inhumanity.

There are many Inſtances of Robbery and Barbarity on both Sides; for when Cruelty is begun on one, it is ſure to be returned on the other. But none of theſe Inſtances can juſtify a National War, when no Nation, in their Wits, can pretend to juſtify ſuch Inſtances, though they be the Subject of high popular Rage and Complaints. I have known the Courſe of ſuch Robberies and Violence committed by the *Bri-*

tiſh Subjects upon the *Spaniards* in *America*, continued ſo obſtinately, that neither capital Puniſhment could deter them, nor the Offer of his Majeſty's moſt gracious Pardon, reclaim them; particularly in the Year 1718.

That the Subjects of *England* have committed numerous Depredations on the *Spaniſh*, and other Nations, is notorious. I have given ſome Inſtances, and could many more; for it would be endleſs, and indeed impoſſible to give all. — Some of our Colonies are known to have been Hives of Smugglers, or illicite Traders; all Men know it; they themſelves had not the Face to deny, nay, they gloried in it; and ſome of their Governours were ſuppoſed to have drawn no ſmall Gain from them, and therefore to have countenanced and protected them, even the worſt of them, in the moſt barbarous Acts of Pyracy, that of taking Ships and murdering their whole Crew, to prevent their telling Tales, and afterwards ſinking the Ships to prevent their being known. Some of conſiderable Rank in thoſe Colonies, as a Confeſſion that they were, at leaſt, concerned with Pyrates, have been forced to plead his Majeſty's gracious Pardon; and the Pyrates that have been condemned there, have declared, that they had a fair Trial, as having been tried by their Peers, meaning, that ſome of both Judges and Juries had been their Fellow Pyrates.

I doubt our Robberies and Depredations in the *American* Seas would make a terrible long Liſt, were they all known; not only as the Profit and Temptation is great, and our People as ſelfiſh and

and vicious as thoſe of other Nations; but as we have a Number of Ships in theſe Seas, vaſtly ſuperior to thoſe of all other Nations, I believe at leaſt five times as many as thoſe of all other Nations together; ſure I am, the Number of *Engliſh* pardoned and hanged for Murders, Robberies, and Pyracy there, have far exceeded that of all People whatſoever.

The *Spaniards* have unjuſtly ſeized and condemned many *Engliſh* Ships.— They own it, and offer Satisfaction to the Sufferers. If they have been dilatory, ſo they are in all their Meaſures, and indeed ſuch Things require Time to bring them to an Accommodation. Pray let us balance our Accounts before we go to Law or War.— It will be ſoon ſeen whether the Terms they offer are fair, and they in earneſt. We have Twenty Ships to their One, in thoſe Parts; and a War would ſoon ruin our Trade, without hurting them in any Degree of Proportion. The *French* and *Dutch*, who have naturally more Zeal for their own Trade than for ours, would advance their own upon the Ruins of ours.

The Author ſtarts upon this Head a very extravagant Propoſition, *That all Nations trading to* America *have an equal Intereſt and common Cauſe with* England, *if ſhe engaged in a War with* Spain. The contrary is ſo evident, that I wonder how any Man could offer it. If the *French* and *Dutch*, who carry on a large illicite Trade on the Coaſt of *New-Spain*, were to engage in a War with *Spain*, ſhould not we reap a notable Advantage from thence to increaſe our illicite Trade there, were we diſpoſed to carry

on any ſuch Trade? And ſhould any other Nation endeavour to conquer any of the *Spaniſh* Iſlands or Colonies, would we find our Intereſt in ſuffering it? So far otherwiſe, that if ſuch a Nation aimed at any Conqueſt there, we muſt join the *Spaniards* to oppoſe them. Or if there were only a Privateering War between theſe two, then we ſhould engroſs the Invader's Part of the illicite Trade, and enjoy full Freedom of Commerce and Navigation to our own Colonies, whilſt any other maritime *European* Power, at War with *Spain*, would be harraſſed, obſtructed and delayed in providing Fleets and Convoys, or truſt to chance for eſcaping their Enemy, with great Odds againſt them. Now the ſame Advantage accruing to us from a War between any ſuch Power and *Spain*, would accrue to that Power from a War between *Spain* and us. The ſame Motive which would draw us to aſſiſt the *Spaniards* againſt any ſuch Power, would draw that Power to aſſiſt the *Spaniards* againſt us, as Intereſt, or which is the ſame Thing, Reaſons of State, would naturally take Place before all other Conſiderations.

For this and many other Reaſons, a War with *Spain* is the laſt War which any Man who loves his Country, and underſtands its Intereſt, would deſire. An Eagerneſs for ſuch a War would well enough become an old Buccaneer, or a prodigal Factor in *Jamaica*, who wanted to ballance his Accounts with his Principals in *England*, by charging to their Account Money or Goods put on board ſuch Ships as he knew had fallen into the Hands of the *Spaniards*; an Artifice which has been already practiſed — But ſuch

Rea-

Reaſoning from this ingenious Author is very ſurprizing; and if he be not in Earneſt, it is very unfair. Yet he talks with ſuch Self-Sufficiency as if he had no Sort of Doubt about it. Such a poſitive Stile may have Effect upon the ignorant and the angry, who diſlike whatever is done, becauſe they diſlike the Doers, and like or affect to like every Step which the Men they diſlike do not take; but it can never affect Men of Candour but with Averſion to ſuch narrow perſonal and paſſionate Policy. Is it poſſible that we can have any amongſt us who would diſguiſe their Purſuits by a falſe Cry, and only ſeek to wound the Miniſtry through the Sides of the *Spaniards*?

If the *Spaniards* have enſlaved any of our Seamen, I am concerned for it, eſpecially if ſuch Seamen never tempted ſuch a miſerable Lot. But even this cruel Uſage and Provocation will not warrant a War, if it be diſcontinued and Reparation offered. Such Practice of enſlaving, if it be true, hath not been confined to the *Spaniards*, but is at leaſt equally chargeable upon the *Engliſh*. I myſelf have ſeen as Free Subjects as any that the King of *Spain* hath, expoſed to Sale in a *Britiſh* Colony, purchaſed there like Cattle, and treated afterwards very little better by the Purchaſers. I knew a *Spaniſh* Gentleman ſent purpoſely to demand his Countrymen from Bondage; I knew the Anſwer and Refuſal of the Governour of that Colony, "that it "was what he could by no Means grant; the "Men thus ſold were become the Property "of thoſe who had bought them in open Mar-"ket; his own Hands were tied up by the Laws, "and he could not help it." I believe I could eaſily

eaſily prove that theſe very Slaves continue ſo to this very Day in the ſame Colony.

This Gentleman, improving in ſtrange Paradoxes, ſays *that where no general Trade is allowed, no one Species of Goods can be more prohibited than another, and the ſearching there has no Object at all, and no Foundation in Reaſon.* Such an Aſſertion has, I am ſure, no Foundation in Reaſon, but contradicts all Reaſon. As if becauſe all Species of Goods were forbidden, and therefore liable to Searching and Seizure, (ſuppoſe in *Japan*, or elſe where) therefore no particular Species is liable to ſuch Search or Seizure. Stealing in general is prohibited in *England*; has therefore the Searching for ſtolen Goods no Ground or Object at all, but is without Foundation in Reaſon? If he had ſaid, that where no Trade was ſubſiſting, no Searching could be uſed, he would have ſaid truly, though he made no Diſcovery.

But leaving him to explain his own Logick, 'tis Fact that all Trade between the *Engliſh* and the *Spaniards* in *America* is prohibited by the Treaty of 1670, which he mentions: Yet it is well known, that Trade is carried on by the *Engliſh* in the *Spaniſh* Dominions there to the great Advantage of the *Engliſh*; and the *Spaniards* find, to their great Damage, that more Objects of Search eſcape them than undergo it.

Becauſe we are not allowed to trade at all, we ſhould therefore not be liable to be ſearched at all, is ſuch an advantageous, ſuch an extraordinary Principle, (I had almoſt ſaid Condition of trading) that moſt trading Men and Countries,

tries, I believe, would be glad to be upon that Foot of Trading with all the reſt of the Earth, content with being forbidden to trade with any other Nation, yet freely frequent the Coaſts, nay enter and return from the Ports of every Nation, without Search or Check from any.

The Propoſitions and Advices of this Author are ſo extremely hardy, that he muſt needs think well of his own Wiſdom and Penetration in offering them. I hope he will pardon me for giving him one Caution, that ſuch poſitive Men had much need of being in the Right, becauſe 'tis difficult to convince them when they are in the Wrong. He is againſt *admitting any Treaty without an expreſs Declaration of our Right not to be ſearched.* A glorious Declaration indeed! Which would enable us to reap more by the *Spaniſh* Colonies than by all our own, and render the *Spaniſh* Colonies of as little Benefit to the *Spaniſh* Nation as ours are to them, where this Gentleman ſays, the Trade is engroſſed to ourſelves. The Weather, or Pyrates, or ſtopping Leaks, or Want of Wood and Water, and of Proviſions, indeed any Thing would furniſh abundant and everlaſting Pretences to frequent their Ports and monopolize all their Commodities. Even as Things now ſtand, ſuch is the Spirit and Vigilance of our Fellow Subjects in the *American* Colonies, that neither the Laws of their own Iſlands, nor the Laws of *England*, nor the Laws of other Nations, can reſtrain them from trading wherever they foreſee Advantage. They trade with the *French* and *Dutch* for *European* Commodities, againſt the

Laws

Laws of *England*; with the *French* for Sugars, Cocoas and Indigo, againſt the Laws of *France* and of their own Iſlands. At *Jamaica* particularly, they fit out Veſſels for the *Spaniſh* Trade (though abſolutely prohibited and illicite) with more Parade and publick Oſtentation than any trading Veſſels go out of the *Thames* upon the moſt lawful Commerce. They fire Guns, beat Drums, diſplay their Colours, and, as it were, proclaim where they are bound, and for what. Nay, it ſo happened, I mean in Times paſt, that where the Cargoes were conſiderable, our Men of War have been hired to convoy and protect theſe Fleets of Smugglers. It hath been commonly ſaid in the News Papers, that one or more Ships of War were lying on the Coaſt of *New Spain* to ſecure the *Engliſh* in their (prohibited) Trade with *Spain*. Nor have theſe Men of War neglected the Opportunity of dealing deeply in it themſelves.

This is no Secret; whoever has a Mind to know it may know it, and the *Spaniards* know it as well as the *Engliſh*.

With this Author (who has forced me to ſay more than I ſhould have choſen) it ſeems to be right and juſt to put the Miniſters upon Impoſſibilities, with a View to puniſh them if they cannot perform them. Whatever Step they take muſt be wrong.

It is with great Regret that I have ſaid ſo much upon ſuch an unpleaſing Subject. I have ſaid it for the Information of the People of *England*, who are greatly miſled in this Matter; ſince much more Pains have been taken to inflame

flame them than to inform them. The *Engliſh* People are addicted to Juſtice; they want only to be well inſtructed, in order to do it to others as well as to themſelves; nor will they juſtify Inſults upon the *Spaniards*, no more than upon their own Countrymen: They will not go to War in Support of Smugglers and Thieves, ſworn Enemies to the fair Trader, eſpecially a War which would ſoon conſume Trade itſelf: And the *Spaniards* profeſs to make Compenſation for all Acts of Violence, for unjuſt Captures, and the Interruption of lawful Trade.

In all Judgments and Deciſions, Publick and Private, 'tis an indiſpenſable Rule of Equity to hear both Sides patiently. —— It would be extravagant Madneſs, as well as Wickedneſs, to give Sentence upon hearing only one Side. They are therefore the Enemies of the People of *England*, who would draw, or rather drive them, blindfold into a War. A War is only then juſtifiable when 'tis abſolutely neceſſary, and cannot be avoided without a greater Evil.— It is itſelf a very terrible Evil, and as it were, throwing Lots for the Lives, and, even for the Being of any Nation, (for its Operation is never ſure) ſo that all poſſible Care, and Caution, and Patience, and Expedients, ſhould be tried and exerciſed before 'tis begun; all Conſideration ſhould be had to Right and Wrong, Loſs or Gain; and no Heat, or Falſhood, or Partiality be admitted as Motives. The People ought to have good Evidence, in order to form a good Judgment; and ſince they will be Judges as well as Parties, it becomes them carefully and

honeſtly to avoid the paſſionate and ſelfiſh Conduct to which thoſe, inveſted with that double Character, are generally liable. Let them be equitable as well as brave, and know all before they determine finally.

As no Man in a vehement Heat is fit to fight, though then moſt addicted to fighting, no People in a Rage are fit to enter into a War; for Rage implies the Abſence of Conſideration, and want of Conſideration is an ill Qualification for War. War is the Sentence or Decree of a Nation, and ought never to be pronounced in a Heat. *Omnia prius tentanda.* The Expence is always great, the Advantage uncertain, often none, frequently worſe than none.

Let the People upon this Occaſion, conſider well, whether their Paſſion has not been directed and ſharpened, rather towards ſuch as have hitherto ſtudied to preſerve Peace, than againſt thoſe upon whom they are incited to make War; whether their Demagogues do not mean Men rather than Meaſures, the Adminiſtration rather than the *Spaniards*, and whether a War with *Spain* is likely to promote Trade, and defray Coſts and Loſſes paſt and to come.

The *Athenians* had their Orators, or rather their talking Authors, as the People of *England* have their writing Orators. That People, then very free and very lively, loved to hear their Authors harangue; it warmed their Hearts and fired their Blood, and gave them all the Pleaſure of animal Motion and Ferment, eſpecially againſt their Magiſtrates, and as often againſt publick Peace. For, as the *Athenians* were very brave,

brave, they loved War and Fighting, and fancied (upon the Authority of theſe their Authors) that their Arms were irreſiſtible, and Conqueſt waited upon their Swords. Under this Spirit and Influence they went on fighting and impairing their Strength, frequently tempting Fortune without Strength, often forcing Quarrels without Provocation, or always giving the firſt Provocation; denying Juſtice themſelves, yet ever craving it, and endeavouring to exact it from all others, till in Time they were grown ſo weak, that almoſt every Invader, that is, almoſt every State round them, all ill uſed by them, became their Enemies, ſome of them their Maſters. Yet they ſeldom ſaw their Error, or always ſaw it too late. They never blamed themſelves for their raſh War, too ſeldom their eloquent and ingenious Authors, for inciting them to ſuch, ſince they were generally ſure nothing warmed theſe loud Demagogues but publick Spirit. Upon any ill Succeſs their Method was (directed by their Orators) to fall upon ſuch as conducted their Affairs, their Miniſters and Generals, for doing no better than they could, and for not conquering in a raſh and unjuſt War, with feeble, or mutinous, or ill ſupplied Troops, againſt ſuch as were as brave, more powerful and better furniſhed than themſelves.

Now, what was the Drift of theſe popular Orators, in exciting ſuch continual Ferment and Alarms at Home, and pernicious Wars Abroad; in defaming and arraigning their beſt Magiſtrates and Leaders? What but their Ardour to be in Place and Power, their Anger for

being kept out, and at thoſe that kept them out? Pardonable Paſſions, when they produce no ill Effects, and do not hurt the Publick, or particular Men.

I ſhall not meddle with the other Points, which the Gentleman urges and explains (which I own he does, as he has done the reſt, without Peeviſhneſs or Paſſion) any further than as they give me Occaſion to offer a ſhort Obſervation or two upon the Liberty of the Preſs, or, which is the ſame Thing, Liberty of Writing; which he ſeems to think is not fully enjoyed and ſecured. —— How far he would have it extended, I know not: I know he will not ſay it ought to be unlimited: And to contend that it ſhould have larger Bounds than it hath now, is to contend that it ought to have no Bounds at all. It would ſeem to me, that where ſuch Liberty hath no Reſtraints, Government can have no Authority, nor conſequently Exiſtence, but is actually aboliſhed, as Liberty itſelf muſt at the ſame Time be, ſince Civil Liberty derives not only its Meaſure, but its Exiſtence from civil Reſtraints, that protect as well as ſeparate it from Licentiouſneſs, which as ſurely deſtroys Liberty, as it does Government; for it is Government only that ſecures and defends Liberty.

I cannot conceive any Government ſo framed, as to conſiſt with a Power of every Man's ſaying what he pleaſes againſt it, and ſuch as conduct it. No Government, for Example, can ſuffer its Subjects, or any of them, to run about the Streets, proclaiming their Governours, Traytors,

tors, Tyrants, and Uſurpers, or even Felons and Murderers; ſince ſuch Incendiaries, many of them at leaſt, would act as well as ſpeak, employ their Hands as well as their Tongues, and unite others to do ſo; the End of all ſuch ſpeaking being in order to acting, and to alter Things from what they are. Such extreme Latitude would therefore infer extreme Licentiouſneſs; and unbridled Speech, Anarchy.— Such Speeches committed to Writing, and aſſiduouſly thrown about, would have the ſame Effect; and conſequently, all Speaking and Writing muſt have ſome Bounds: I think they never had fewer than now.

Thus much, I hope, the Gentleman will pardon me for ſaying, not to him who does not contend for ſuch boundleſs Liberty, but to the People, who ſeem poſſeſſed with a Notion that it ought to be ſo.

In Anſwer to his Complaints about the legal Proceedings againſt Authors, I can only ſay, that I would fain hope that our Tribunals, which are filled with ſuch able Lawyers, do equal and impartial Juſtice. As to the preſent Government, no Government ever yet ſhewed greater Patience, or ſo great, under ſuch a continued Courſe of daily and ſevere Attacks from the Preſs, for ſo many Years together. So far has the Crown been from propoſing to both Houſes from the Throne, a Bill for reſtraining the Preſs, as the late Queen did in her laſt Years; or a Secretary of State now from propoſing ſuch a Bill to the Houſe of Commons, as one of her Secretaries then did there.

Upon

Upon the whole, as the Convention is only preliminary to a Treaty, only a ſettling of the Grounds upon which to treat; and as, in the Convention, the *Spaniards*, by offering Compenſation for Wrongs, confeſs that they have done them; and as that Offer implies that ſuch Wrongs are never more to be repeated; I humbly conceive that all Obſtacles to Treating are removed. Without Treating how are any Diſputes and Difficulties to be adjuſted? How the diſputed Courſe of Sailing to be fixed? How the Point of Searching to be determined, eſpecially as no paſt Treaty allows our Claim of *No Search?* The Refuſal of a Treaty is, in Effect, a Declaration of War, ſince 'tis refuſing the only Means of Peace.

I conclude with declaring, That I have given my own Sentiments upon theſe Matters, as freely and unasked, ſo agreeably to the ſincere Conviction of my Heart, without either Flattery or Rancour.

F I N I S.